

**CUSTOMER NO.: 24498****Serial No. 10/757,626**

Reply to Office Action dated: 8/22/07

Response dated: 11/08/07

**PATENT  
PU030211****REMARKS**

In the Office Action, the Examiner stated that claims 1-20 are pending in the application and that claims 1-20 stand rejected. By this response the Applicant's claims 1-20 have been cancelled and new claims 21-40 have been added to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant believes that all of these claims are now in allowable form.

**Rejections****A. 35 U.S.C. § 102**

The Examiner rejected the Applicant's claims 1-2 and 4-8 under 35 U.S.C. § 102(b) as being anticipated by Aotake (U.S. Patent No. 5,732,067). The rejection is respectfully traversed.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added).

The Applicant has herein cancelled the Applicant's claims 1-2 and 4-8 however, the Applicant submits that Aotake absolutely fails to teach, suggest or anticipate the Applicant's new independent claims at least because Aotake absolutely fails to teach, suggest or anticipate a method, apparatus and system including at least "in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed" and "in response to a determination that video data is no longer being received, examining a trick mode indicator of a last frame of video data received and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, repeatedly displaying the last received frame of video data on a display, and if a trick mode indicator of the last received frame of video data is clear, stopping the display of frames of said video data on the

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display" as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims.

More specifically, in support of at least the Applicant's new independent claims, the Applicant in the Specification specifically recites:

"Regardless of where the processor is located, if the processor determines the received command is a STOP command, the processor encodes a stop command by operating upon at least one packet retrieved from memory medium 212. In one embodiment, in response to a Stop command, processor 220 ensures a trick mode flag in at least one of the packets retrieved from memory medium 212 is cleared, and forwards the at least one packet including the cleared flag to receiver 190.

On the other hand, if the processor determines the command issued by a user is not a STOP command, the processor further determines if the command is a PAUSE command as indicated at step 430. If the processor determines the command is not a PAUSE command the processor proceeds with another operation as illustrated by step 440. In that case, no further action is to be taken by the processor regarding the trick mode flag and the trick mode field of the PES packets. Other operations include executing a command other than stop or pause. The process end is illustrated at 499.

If the processor determines the command issued by a user is a PAUSE command, the processor encodes the pause command in a retrieved packet by setting a trick mode flag of a retrieved packet to 1 and further insures the trick mode field is set to indicate a freeze mode, as illustrated in step 450. (See Specification, page 15, line 22 through page 16, line 6.)

And

"On the other hand, if data input to frame decoder 252 stops, step 720 continues with step 722. That is, when data is not present, the last trick mode flag 188 is checked. If the last trick mode flag 188 is set, mode indicator 183 is checked. If mode indicator 183 indicates "freeze frame", a Pause command is detected and a last received frame of data is repeatedly displayed on display 120. In one embodiment of the invention, the last received Intra coded reference frame (I frame) is repeatedly displayed.

In the event no data is present as per step 720 and the "last trick mode" indicator 188 is not set (i.e., the flag is cleared), then a Stop command is detected. In that case, a last received frame of data is not repeatedly displayed on display 120." (See Specification, page 19, lines 24-34).

That is, as clearly evident from at least the portions of the Applicant's Specification presented above, in the invention of the Applicant, if a stop command is received by, for example, a sending device, a processor ensures a trick mode flag in at least one of the packets, for example a last packet transmitted, is cleared, and forwards

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the at least one packet including the cleared flag to, for example, a receiver. Furthermore, in the invention of the Applicant, if a pause command is received by, for example, a sending device, a processor encodes the pause command in a retrieved packet by setting a trick mode flag of a retrieved packet to, for example, 1 and further insures the trick mode field is set to indicate a freeze mode.

In addition, in the invention of the Applicant as clear from at least the portions of the Applicant's Specification presented above, if input to a frame decoder of, in one embodiment, a receiver stops, a trick mode indicator of a last received frame is checked and if a freeze frame is indicated, a last received frame is repeatedly displayed on a display. In contrast, if input to a frame decoder of, in one embodiment, a receiver stops, a trick mode indicator of a last received frame is checked and if the trick mode indicator is not set or is clear a stop command is indicated, then the display of data to the display is stopped.

The Applicant submits that there is absolutely no teaching, suggestion or disclosure in Aotake for a method, apparatus and system including at least "in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed" and "in response to a determination that video data is no longer being received, examining a trick mode indicator of a last frame of video data received and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, repeatedly displaying the last received frame of video data on a display, and if a trick mode indicator of the last received frame of video data is clear, stopping the display of frames of said video data on the display" as taught in the Applicant's Specification and claimed by at least the Applicant's new, independent claims.

In contrast to the invention of the Applicant, Aotake teaches an optical disc having recorded thereon a simplified playback control script which is independent of the CPU of the information recording/reproducing apparatus used to record and/or reproduce the optical disk. In Aotake, an information recording medium includes picture information and/or speech information, a plurality of items consisting of the picture information and/or the speech information, and reproduction control information comprised of a plurality of lists for controlling the

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reproduction of the items, wherein at least a portion of the lists includes item information specifying one or more items reproduced in accordance with the lists and pointers represented by an offset from a leading end of the reproduction control information specifying another list to be linked, and wherein at least one of the lists is a first list including the item information specifying the one or more items, a plurality of pointers associated with plural lists branched according to a user selection and a plurality of region data defining regions of alternatives for menu display of the contents of the pointers according to a priority sequence. (See Aotake, Abstract).

The Examiner in the Office Action alleges that at col. 5, lines 24-65 and col. 28, lines 6-47 of Aotake, Aotake teaches a processor cooperating with a controller so as to clear a trick mode indicator of at least one retrieved packet in response to a stop command and to set a trick mode indicator of at least one retrieved packet in response to a pause command. The Applicant respectfully disagrees.

In col. 5, lines 24-65, Aotake teaches an embodiment of an information reproducing apparatus that reproduces an optical disc on which there are recorded plural items made up of moving pictures MV1 or MV2 (video data) and/or audio information (audio data) such as CD-DA, and the playback control information for controlling the reproduction of the plural items. In col. 5, lines 24-65, Aotake teaches a remote controller and/or a switch as inputting means for inputting the information of a user selection, a mouse or a switch as input means for entering the selection by a user, an MPEG video decoder and a D/A converting circuit as means for outputting the reproduced picture information, an MPEG audio decoder and D/A converting circuit as outputting means for outputting the reproduced speech information, and a central processing unit (CPU) as control unit. In Aotake, the CPU controls the playback of the respective items by the CD deck 1 based upon the item information in the predetermined list in the playback control information and, when the user's selection is entered by the remote controller or the switch or the reproduction of the total items shown in the predetermined list is finished, switches the interpreting list based upon a pointer. That is, in Aotake, a processor interprets playback control information for the information reproducing apparatus in response to a user input.

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At col. 28, lines 6-47 of Aotake, Aotake teaches that in the information reproducing apparatus of Aotake, when the next key is thrust during automatic playback, the item currently reproduced is halted and a separate item is reproduced and that similarly, when the previous key is thrust during automatic playback, the item currently reproduced is halted and a separate item is reproduced. Furthermore, in Aotake when the cancel key is thrust during automatic playback, the item currently reproduced is halted to revert to the previous menu and that similarly, if the stop key is thrust, the playback control ceases to operate to return to the initial state. Even further, in Aotake if the pause key is thrust, playback is paused (transiently halted). That is, if the pause key is thrust with the moving picture, the picture is halted, that is becomes a still picture. More specifically, Aotake merely teaches that if a stop key is actuated the playback control ceases to operate to return to an initial state and that if a pause key is actuated that the picture is halted, that is becomes a still picture. Aotake, however, absolutely fails to teach how the reproducing apparatus makes a distinction between a pause and stop command and specifically fails to teach, suggest or anticipate "in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed" and "in response to a determination that video data is no longer being received, examining a trick mode indicator of a last frame of video data received and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, repeatedly displaying the last received frame of video data on a display, and if a trick mode indicator of the last received frame of video data is clear, stopping the display of frames of said video data on the display" as taught in the Applicant's Specification and claimed by at least the Applicant's new, independent claims.

That is, Aotake fails to teach or anticipate in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed. There is absolutely no teaching or mention in Aotake for trick mode indicators or for setting, clearing

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and determining trick mode indicators as taught and claimed by at least the Applicant's new, independent claims.

Therefore, the Applicant submits that, for at least the reasons recited above, Aotake fails to teach each and every element of the claimed invention, arranged as in at least the Applicant's Independent claims as required for anticipation. As such, the Applicant respectfully submits that the Applicant's new Independent claims fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claims depend either directly or indirectly from the Applicant's new independent and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims are also not anticipated by the teachings of Aotake. Therefore the Applicant submits that all dependent claims also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

**B. 35 U.S.C. § 103**

The Examiner rejected claims 3 and 9-20 under 35 U.S.C. § 103(a) as being unpatentable over Aotake in view of Flannery (U.S. Patent Publication 2002/0085834 A1). The rejection is respectfully traversed.

The Applicant has herein cancelled the Applicant's claims 3 and 9-20 however, the Applicant submits that Aotake and Flannery, alone or in any allowable combination, absolutely fail to teach, suggest or anticipate the Applicant's new independent claims at least because Aotake and Flannery absolutely fail to teach, suggest or anticipate a method, apparatus and system including at least "In response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed" and "in response to a determination that video data is no longer being received, examining a trick mode indicator of a last frame of video data received and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, repeatedly displaying the last received frame of video data on a display, and if a trick mode indicator of the last received frame of video data is clear, stopping the display of frames of said video data on the

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display" as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims.

As recited above and for at least the reasons recited above, the Applicant submits that Aotake fails to teach, suggest or anticipate the Applicant's invention as claimed. Furthermore, the Applicant submits that the teachings of Flannery absolutely fail to bridge the substantial gap between the teachings of Aotake and the invention of the Applicant as claimed. More specifically, Flannery teaches a peripheral storage media drive adapter for receiving a surplus optical storage media drive capable of stand-alone playing of optical storage media is described. In Flannery, the adapter provides at least the minimum level of functionality required, together with the surplus optical storage media drive, to play optical storage media in order to extend the useful life of the surplus drive. The optical storage media of Flannery may include compact disks, CD-ROMs, DVDs or the like type of storage media. The adapter provides the capability of connecting with external devices that improve the functionality and usefulness of the drive-adapter system. (See Flannery, Abstract).

The Applicant submits however that Flannery absolutely fails to teach, suggest or make obvious a method, apparatus and system including at least "in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed" and "In response to a determination that video data is no longer being received, examining a trick mode indicator of a last frame of video data received and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, repeatedly displaying the last received frame of video data on a display, and if a trick mode indicator of the last received frame of video data is clear, stopping the display of frames of said video data on the display" as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims.

As such and for at least the reasons recited above, the Applicant submits that Aotake and Flannery, alone or in any allowable combination, fail to teach, suggest or render obvious at least the Applicant's new independent claims. IN addition, the Applicant submits that Aotake and Flannery, alone or in any allowable

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combination, also fail to teach, suggest or make obvious the Applicant's new dependent claims, which depend either directly or indirectly from the Applicant's new, independent claims. As such, the Applicant submits that the Applicant's new, independent and dependent claims fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

### Conclusion


Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,  
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